

REMARKS

The Office Action mailed June 28, 2006 has been received and reviewed. Claims 57-89 are pending and are rejected over newly cited art. The Applicants submit that the claims distinguish over the cited references and are in condition for allowance for the reasons stated hereinafter.

Rejection Of Claims 57, 58, 60-62, 64-71, 74-76 and 78 Under 35 U.S.C. § 103(a)

Claims 57, 58, 60-62, 64-71, 74-76 and 78 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger, Lee (USP 6,091,340) and Sues, and allegedly admitted art. The Examiner states that Badger shows a vehicle-disabling system where a disabler 10 receives a radio signal from flying bodies 38 and that the disabler then permanently disables one of a plurality of components. The Examiner further states that Lee shows a vehicle disabling system where a plurality of essential components (20, 28, 44, 45, 48) each include a receiver to receive a disable signal from a remote source, being a controller or telephone. The Examiner asserts, therefore, that it would be obvious to one of skill in the art to "have receivers in each of the components of Badger to receive the disable signal from the broad coverage satellite since Lee suggests that having each component able to receive signals prevents not only the vehicle from starting but also prevents the components from being used in other vehicles." The Examiner further states that Sues teaches a plurality of protected devices each having the ability to shut off the automobile if any of the devices is not authentic, thereby making each of the components essential to operating the vehicle and "having the power to disable" the vehicle. The rejection is traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined)

must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). Respectfully, the burden of proof is not met in the instant case since no convincing line of reasoning has been presented as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Badger discloses one and only one receiver in the vehicle for receiving a radio signal from an air-borne source. Nothing in Badger expressly or impliedly suggests that more than one receiver is desirable. Nonetheless, the Examiner asserts that one of skill in the art would find it obvious to combine the teachings of Lee with the system of Badger to obviate that which is claimed. The Applicant's dispute that there is any such teaching, suggestion or motivation found in Badger. However, assuming for the sake of argument that one of skill would (absent the disclosure of the Applicant's specification) find it obvious to combine the system of Lee (i.e., multiple components having receivers) with Badger, the resulting method of use would be providing a plurality of components that, while being able to receive a remote signal, are also structured to be reversibly enabled/disabled, contrary to the requirements of that which is claimed. Lee expressly discloses a system providing a method whereby multiple components are each structured with a receiver to receive a remote signal, but each receiver is also coupled with a switch that toggles between an on and off position to thereby disable/enable the component as desired for the intended purpose (i.e., either starting the vehicle remotely

or temporarily disabling the vehicle in the event of a theft). Consequently, the combination of multiple components with receivers/switches, as taught by Lee, with the air-borne signal-receiving system of Badger results in a method of disabling the vehicle in a reversible manner, which would still not obviate that which is claimed. Lee expressly teaches a reversible method of disablement, contrary to the methods claimed.

Sues, like Badger, teaches an anti-theft system that has one, and only one, receiver to receive a ground-generated signal (i.e. from a laptop computer). Sues, like Badger, does not teach or suggest a system or method of providing a plurality of electronic operating components that are each structured to receive a radio signal from an air borne source of radio signal transmission. Therefore, Sues adds no suggestion or motivation to the teaching of one of skill in the art to make the combination as suggested by the Examiner. The Examiner states that the "concept taught by Sues is that each element '*has the power*' to *disable* the vehicle if that element is determined to be not authentic" and the Examiner, therefore, asserts that it would have been obvious "to have used the authentication elements of Badger-Lee (namely the receiver and *comparison elements*) in each component necessary to the operation of the vehicle since, as suggested by Sues, such would greatly increase the ability to disable the vehicle and prevent theft." Respectfully, neither Badger nor Lee teach "authentication elements" as the Examiner suggests they do. Badger discloses one component for receiving an air-borne signal and Lee teaches multiple, signal-receiving components that are reversibly capable of being enabled/disabled. Neither Badger nor Lee teach "authentication elements," and, therefore, there is no motivation to combine any teaching of Sues with Badger and Lee. In other words, Sues adds nothing to the combination which would obviate the claimed methods.

For the foregoing reasons, no *prima facie* case of obviousness can be established because there is simply no motivation or reasonable expectation found in any of the cited references to make the combination as suggested by the Examiner to

obviate the claims. Most importantly, however, the third element required for making a *prima facie* case of obviousness is not met; namely, the cited references fail to teach all of the elements of that which is claimed because no reference teaches or suggests a system, and therefore a method, as claimed, where each electronic operating component is in electronic communication with one another to enable the plurality of electronic operating components to check with each other by comparison of data to determine whether at least one of the said electronic operating components has received a radio signal from an air-borne source. Nothing is cited by the Examiner in either Badger, Lee or Sues which provides any teaching or suggestion whatever of a plurality of electronic operating components that are in electronic communication with each other to determine whether any one of the components received a radio signal from an air-borne source. As argued previously, Sues discloses a system where the ignition key signals a CPU which then signals individual CCU's associated with every part in the vehicle, but nowhere is it disclosed or suggested that those individual CCU's intercommunicate. Therefore, nothing in the references obviates the claimed methods.

Claims 57, 58, 60-62, 64-71, 74-76 and 78 are not obviated by the cited references because no *prima facie* case of obviousness can be established. The references lack any motivation to combine the teachings; any such attempted combination still does not obviate the claims; there is no reasonable expectation of success found in any of the references for making the suggested combination; and the combination of the references (even if combinable) do not teach all of the claimed elements. The only basis for motivation to combine, and reasonable expectation of success in making the combination, is found in the Applicants' own disclosure. Because the three cited references fail to establish a *prima facie* case of obviousness, there is, respectfully, no need to address the official notice of the Examiner at this juncture.

Rejection Of Claim 59 Under 35 U.S.C. § 103(a)

Claim 59 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger, Lee and Sues, as applied to claim 57, and allegedly admitted prior art, and further in view of Besharat. The Examiner states that Besharat shows an indication to the user that the user should bring the communication device within range to improve normal operation of the communication device. The rejection is traversed for the reasons stated above with respect to the failure to establish a *prima facie* case of obviousness with respect to claim 57, and, therefore, with respect to claim 59. Additionally, however, Besharat teaches a means for saving the battery life of a battery-operated device by providing out-of-range battery savings, and provides no relevant teaching to claim 59. The Applicants submit that Badger, Lee and Sues fail to establish a *prima facie* case of obviousness with respect to claim 57 and 59 and that Besharat provides no relevant teaching alone or in combination with Badger, Lee and Sues that obviates Claim 59.

Rejection Of Claims 63 and 77 Under 35 U.S.C. § 103(a)

Claims 63 and 77 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger, Lee and Sues, and allegedly admitted prior art, as applied to claim 57 and further in view of Hertel. The Examiner states that Hertel shows a vehicle disabling system that disables the vehicle after a time delay in order to safely provide disabling of the vehicle. The rejection is traversed for the reasons stated above with respect to the failure to establish a *prima facie* case of obviousness with respect to claim 57 in view of Badger, Lee and Sues. Hertel teaches a means of disabling a vehicle upon the exceeding of a set boundary or upon entry into unauthorized territory. The Applicants submit that because Badger, Lee and Sues fail to establish a *prima facie* case of obviousness with respect to claim 57, and thus claims 63 and 77 which depend from claim 57 and include the limitations thereof, Hertel in combination with Badger, Lee and Sues still fails to obviate claims 63 and 77.

Rejection Of Claims 72 And 73 Under 35 U.S.C. § 103(a)

Claims 72 and 73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger, Lee and Sues, and allegedly admitted prior art, as applied to claim 57, and further in view of Szarka. The Examiner states that Szarka shows a vehicle shutdown or disable system that uses an interrogation-response communication to determine location and authentication of the vehicle. The rejection is traversed for the reasons stated above with respect to the failure to establish a *prima facie* case of obviousness of claim 57 in view of the failure of Badger, Lee and Sues to teach all the elements of claim 57, and thus claims 72 and 73. Szarka teaches a system where a plurality of portable transmitters that are carried by the equipment operators (i.e., workmen), and which are not electronic operating components as claimed, transmit a continuous radio signal received by a vehicle such that only upon discontinuity of the radio signal is the vehicle disabled. Even if Szarka were combinable with Badger, Lee and Sues (which the Applicants do not concede can be combined), the combination of references would still not teach all of the claimed elements, or provide motivation for the combination to thereby obviate that which is required by claims 72 and 73. Claims 72 and 73 are not obviated, therefore.

Rejection Of Claims 79-84 Under 35 U.S.C. § 103(a)

Claims 79-84 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger, Lee and Sues, and allegedly admitted prior art. The Examiner states that Badger shows a vehicle disabling system where a disabler 10 receives a radio signal from a flying body, that Lee shows a vehicle disabling system where a plurality of essential components each include a receiver to receive a disable signal from a remote source, and that Sues teaches a plurality of protected devices each having the ability to shut off the automobile if any of the devices is not authentic. The rejection is traversed for the same reasons stated above with respect to claim 57. Specifically, no *prima facie*

case of obviousness can be established because Badger and Lee fail to provide any teaching, suggestion or motivation to one of skill in the art to combine what is disclosed in those references and, even if arguably combinable, the combination of elements taught by Badger and Lee would result in a system that provides multiple air-borne signal-receiving components that are reversibly enabled/disabled, contrary to the structure required by claim 79. Also as previously argued, Sues provides no relevant additional teaching of providing a system having multiple air-borne signal-receiving components.

Moreover, while the first two required elements of a *prima facie* case of obviousness are not established because there is no motivation to combine, or reasonable expectation for success in making the combination as suggested by the Examiner, the third element of a required showing of *prima facie* obviousness is absent; namely, the combined elements fail to teach all of the required elements as claimed. Again, the Examiner has not cited any teaching or suggestion in any of the references that multiple signal-receiving components are in communication with one another to enable the plurality of electronic operating components to check with each other by comparison of data to determine whether at least one of the said electronic operating components has received a radio signal from an air-borne source. Therefore, no *prima facie* case of obviousness is established with respect to claims 79-84.

For the reasons stated above, there is, and can be, no motivation or purpose found in the references to combine the references as suggested by the Examiner to obviate claims 79-84, especially without reliance upon the Applicants' own disclosure, because there is a failure among all the references to teach all the elements that are claimed. There is no reasonable expectation found in any of the references that any such combination will result in that which is claimed. Therefore, the references, even if combined, fail to teach or suggest what is required by claims 79-84 and a *prima facie* case of obviousness is not established. Consequently, because the three cited references fail to establish a *prima facie* case of obviousness, respectfully, there is no need to address the official notice of the Examiner at this juncture.

Rejection Of Claims 85, 87 and 88 Under 35 U.S.C. § 103(a)

Claims 85, 87 and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger, Lee and Sues, and allegedly admitted prior art, as applied to claims 79 and 80, and further in view of Kaish. The Examiner again states that Kaish shows a disabling device that renders electronic appliances inoperable to prevent or dissuade theft, and that the Examiner takes office notice that the claimed elements set forth in the claims are common well-known electronic appliances. The rejection is traversed for the same reasons stated above with respect to the failure to establish a *prima facie* case of obviousness of claim 79 in view of the failure of Badger, Lee and Sues to teach all of the elements of the claim. Claims 85, 87 and 88, which depend from claim 79 and include the limitations thereof are, consequently, not obviated for the same reasons.

Further, Kaish discloses methods for rendering a device inoperative only after the occurrence of a disabling event (see column 3, lines 55-56). Consequently, the teachings of Kaish are contrary to the teachings of Lee in providing a system having reversible disablement. Additionally, even if combined with Badger, Lee and Sues, the combination of the four references would still fail to establish a *prima facie* case of obviousness for failure to disclose all elements of the claims because none of the four references teaches multiple components in communication with each other as previously argued in detail above. Claims 85, 87 and 88 are not obviated.

Rejection Of Claims 86 and 89 Under 35 U.S.C. § 103(a)

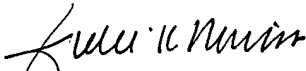
Claims 86 and 89 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger, Lee and Sues, and allegedly admitted prior art, as applied to claim 79, and further in view of Rohrbach. The Examiner repeats that Rohrbach shows a disabling device that renders portable telephone appliances inoperable to prevent or dissuade theft. The rejection is traversed for the same reasons stated above with respect to the failure to establish a *prima facie* case of obviousness of claim 79 in view

of the failure of Badger, Lee and Sues to teach the claimed elements, namely a plurality of electronic operating components each being structured to be in electronic communication with one another to enable the plurality of electronic operating components to check with each other by comparison of data to determine whether at least one of the said electronic operating components has received a radio signal from an air-borne source. Rohrbach fails to teach or disclose the claimed elements as well. Therefore, even if Rohrbach does disclose a system involving a telephone system, the combination with Badger, Lee and Sues would still not obviate claims 86 and 89.

CONCLUSION

The Applicants submit that claims 57-89 present patentable subject matter. Reconsideration and allowance are requested. If further issues regarding the allowability of the claims remain in question, request is hereby made that the Examiner contact the undersigned to resolve those issues expeditiously.

Respectfully submitted,



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